Supreme Court, U.S.
FILED

No. 091003 FEB 10 2010

OFFICE OF THE CLERK

In the
Supreme Court of the United States

SERGEY FISENKO,
Petitioner,

v.

ERIC H. HOLDER, JR., ATTORNEY GENERAL,
Respondent.

On Petition for Writ of Certiorari to the United States Court of Appeals for the Sixth Circuit

PETITION FOR WRIT OF CERTIORARI

E. DENNIS MUCHNICKI
Counsel of Record
5650 BLAZER PARKWAY
DUBLIN, OHIO 43017
(614) 761-9775
edmuch@mac.com

Counsel for Petitioner

February 10, 2010

Becker Gallagher · Cincinnati, OH · Washington, D.C. · 800.890.5001

QUESTION PRESENTED FOR REVIEW

Whether, consistent with this Court's holdings in *INS v. Ventura, 537 U.S. 12, 123 S. Ct. 353 (2002) and Gonzales v. Thomas, 547 U.S. 183, 126 S. Ct. 1613 (2006)*, a court of appeals can lawfully affirm a Board of Immigration Appeals decision denying asylum where the BIA's stated grounds for denial are admittedly erroneous and affirm the BIA on the basis of reasons not addressed in the Board's decision.

RULE 14(B) STATEMENT

A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

1. Sergey Fisenko who is the petitioner before this Court, was also the petitioner before the United States Court of Appeals for the Sixth Circuit and the respondent before the Board of Immigration Appeals and Immigration Court.

2. Eric Holder, Attorney General, who is the respondent on behalf of the United States of America before this Court, was also the respondent on behalf of the United States of America before the United States Court of Appeals for the Sixth Circuit. The Board of Immigration Appeals whose final order was the subject of Mr. Fiesnko's petition for review to the Sixth Circuit is a part of the Executive Office of Immigration Review, an office within the United States Department of Justice which is under the direct supervision of General Holder.

TABLE OF CONTENTS

QUESTION PRESENTED FOR REVIEW i

RULE 14(B) STATEMENT ii

TABLE OF CONTENTS iii

TABLE OF AUTHORITIES v

OPINIONS BELOW 1

JURISDICTION 1

STATUTORY PROVISIONS INVOLVED 2

STATEMENT OF THE CASE 2

REASONS FOR GRANTING THE PETITION ... 7

CONCLUSION 15

APPENDIX

Appendix A: Sixth Circuit Opinion, dated July 9, 2009 ..... 1a

Appendix B: Decision of the Board of Immigration Appeals, dated August 15, 2008 30a

Appendix C: Oral Decision and Order of the Immigration Judge, dated October 24, 2006 . 32a

Appendix D: Sixth Circuit Order denying rehearing, dated November 12, 2009 ..... 52a

Appendix E: Transcript of Recording of Oral Arugment Proceedings, June 18, 2009 ..... 54a

Appendix F: Statutory Provisions 81a

TABLE OF AUTHORITIES

CASES

Altamirano v. Gonzales,
427 F.3d 586 (9th Cir. 2005) 9

Banks v. Gonzales,
453 F.3d 449 (7th Cir. 2006) 9

Chuhwu v. Attorney General,
484 F.3d 185 (3rd Cir. 2007) 9

Dong Sik Kwon v. INS,
646 F.2d 909 (5th Cir. 1981) 9

Dorosh v. Ashcroft,
398 F.3d 379 (6th Cir. 2004) 6

Galicia v. Rodriguez,
422 F.3d 529 (7th Cir. 2005) 14

Galves-Vergara v. Gonzales,
484 F.3d 798 (5th Cir. 2007) 9

Gonzales v. Thomas,
547 U.S. 183,
126 S. Ct. 1613 (2006) 8, 9, 12, 13, 15

Huang v. Mukasey,
520 F.3d 1006 (9th Cir. 2008) 14

INS v. Ventura,
537 U.S. 12,
123 S. Ct. 353 (2002) 7, 8, 9, 12, 13, 15

Krotova v. Gonzales,
416 F.3d 1080 (9th Cir. 2005) 14

Matter of Burbano,
20 I & N Dec. 872 (BIA 1994) 6, 14

Matter of S-M-J-,
21 I & N Dec. 722 (BIA 1997) 6

Mouawad v. Gonzales,
485 F.3d 405 (8th Cir. 2007) 9

Parussimova v. Mukasey,
555 F.3d 734 (9th Cir. 2008) 14

SEC. v. Chenery Corp.,
318 U.S. 80, 63 S. Ct. 454 (1943) 7

Shkarabi v. Gonzales,
427 F.3d 324 (6th Cir. 2006) 6

Singh v. Dept. of Justice,
461 F.3d 290 (2nd Cir. 2006) 9

Wu v. INS,
436 F.3d 157 (2nd Cir. 2006) 9

STATUTES

8 U.S.C. § 1101(a)(42)(A) 2

8 U.S.C. § 1158(b)(1) 2

28 U.S.C. §1254(1) 1

28 U.S.C. § 2101(C) 1

RULES

Sup. Ct. R. 13.1 1

PETITION FOR A WRIT OF CERTIORARI

Sergey Fisenko, a native and citizen of Russia, respectfully petitions for a writ of certiorari to review the opinion and judgment below of the U.S. Court of Appeals for the Sixth Circuit.

OPINIONS BELOW

The opinion of the U.S. Court of Appeals for the Sixth Circuit, dated July 9, 2009, has never been officially reported. The non-official citation is 336 Fed. App.x 504 (6th Cir. 7/9/09). The opinion is set forth at App. 1a.

The decision and final order of the Board of Immigration Appeals that was the subject of petition for review to the Sixth Circuit also has never been officially reported. The case number of this matter before the Board of Immigration Appeals is A098-814-305. The opinion is set forth at App. 30a.

JURISDICTION

The decision of the United States Court of Appeals for the Sixth Circuit sought to be reviewed was entered on July 9, 2009. Mr. Fisenko filed a motion for rehearing on August 24, 2009. The motion for rehearing was denied on November 12, 2009. This petition is timely under 28 U.S.C. § 2101(C) and Supreme Court Rule 13.1 because it is being filed within 90 days of the denial of the motion for rehearing. This Court has jurisdiction to review the judgment of the U.S. Court of Appeals for the Sixth Circuit pursuant to 28 U.S.C. §1254(1).

STATUTORY PROVISIONS INVOLVED

The relevant statutory provisions involved are both portions of the Immigration and Nationality Act. 8 U.S.C. § 1158(b)(1) authorizes the Attorney General to grant asylum to aliens who are "refugees" as defined in Section 101(a)(42)(A) of the Act. 8 U.S.C. §1101(a)(42)(A) defines a "refugee" as an alien who is unwilling or unable to avail themselves of their home country's protection due to persecution or a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion. Those provisions are reproduced at App. 81a.

STATEMENT OF THE CASE

This case arises from the Board of Immigration Appeals' August 15, 2008 final order affirming the October 24, 2006 decision of the Immigration Court, denying Mr. Fisenko's claim for asylum and withholding of removal to Russia on the grounds of persecution he suffered in Russia due to his Baptist religious faith.

Fisenko testified at his removal hearing that he was born in the Krasnodar region of Russia and that he is married with no children. He has a university education in Russia. (Record Entry No. 12, Transcript of Hearing, Appendix, p. 71). His parents were atheists and he was raised as an atheist, (Record Entry No. 12, Transcript of Hearing, Appendix, p. 71). While they were atheists, he and his family had no trouble with their neighbors. (Record Entry No. 12, Transcript of Hearing, Appendix, p. 93).

He converted to the Baptist faith in 2003 when he was very depressed that he was unable to have children. After his baptism, he divorced his wife whom he married before his conversion. (Record Entry No. 12, Transcript of Hearing, Appendix, p. 71-72). He described his Baptism in detail. (Record Entry No. 12, Transcript of Hearing, Appendix, p. 72). He was baptized by a pastor named Nikolai. After his conversion, he attended church about once a week and would speak to his neighbors about his newfound faith. (Record Entry No. 12, Transcript of Hearing, Appendix, p. 72).

His neighbors, however, did not react well to his conversion. They called him a "sectant", meaning in a derogatory manner, a person who belongs to a religious "sect". The term is used in Russia to refer to Baptists. One day as he was coming home from work, some of his neighbors gathered around him and started beating him before he could get to his house. Some of the neighbors even yelled out that they were going to cut his throat and kill him. He managed to escape and locked himself inside his house. (Record Entry No. 12, Transcript of Hearing, Appendix, p. 75).

He experienced a second attack because of his religion during November 2003. (Record Entry No. 12, Transcript of Hearing, Appendix, p. 75). He was stopped by a Cossack patrol. It was fairly dark outside. He saw a group that appeared to be waiting for him near a street lantern. He recognized one of the men as a Cossack he knew named "Ottoman". They were insulting him, hassling him, shoving him and demanding to see an ID even though they knew who he was. As he fled from them, he slipped and fell. Once he was on the ground they started kicking him

with their boots and beating him. (Record Entry No. 12, Transcript of Hearing, Appendix, p. 76). While they were beating him, they screamed at him, called him a Baptist and other vulgar names. (Record Entry No. 12, Transcript of Hearing, Appendix, p. 79). During the beating, he became disoriented. He was then handcuffed, pushed into a car and driven to the Cossack headquarters. He was later taken to a hospital where the doctors diagnosed him with a brain concussion. (Record Entry No. 12, Transcript of Hearing, Appendix, p. 79).

In February 2004, as Fisenko was crossing a street, a Cossack jumped out of a car, called Petitioner a Baptist and other dirty words and assaulted Mr. Fisenko. (Record Entry No. 12, Transcript of Hearing, Appendix, p. 80). Fisenko explained that it is easy to recognize a Cossack because they wore black uniforms, a special hat and they carry weapons. (Record Entry No. 12, Transcript of Hearing, Appendix, pp. 80-81).

On a fourth occasion, Fisenko's car was damaged by children, one of whom was the child of "Ottoman" from the first incident with the Cossacks. The child explained that he damaged Fisenko's car because he heard his father cursing Mr. Fisenko and he knew his father wanted to get Fiesnko. (Record Entry No. 12, Transcript of Hearing, Appendix, p. 83). The child specifically said that he heard his father call Fisenko a "sectant". (Record Entry No. 12, Transcript of Hearing, Appendix, p. 85).

Once he obtained another car, that one also was set on fire and burned. (Record Entry No. 12, Transcript of Hearing, Appendix, p. 85). When he phoned the report into the police and fire department, they

responded that the Cossacks were making sure that they got the Baptists out of the area. (Record Entry No. 12, Transcript of Hearing, Appendix, p. 85). While the police and fire officials were at his home investigating, he heard them say that they were glad about what the Cossacks had done to a Baptist. (Record Entry No. 12, Transcript of Hearing, Appendix, p. 85).

The final incident occurred during June 2004. Mr. Fisenko came home to find his dog hanged, his windows broken and gasoline poured on the floor of his home. Again he called the police. But when they came to investigate, they grabbed Petitioner and took him to jail where he was held for two days. (Record Entry No. 12, Transcript of Hearing, Appendix, p. 86). Petitioner was not given food or water while he was kept in a jail cell for the two days. Among the police holding him were Cossacks acting in their official position. (Record Entry No. 12, Transcript of Hearing, Appendix, p. 86).

The police beat him severely and they almost drowned him when they kept pushing him under water claiming to "baptize" him. (Record Entry No. 12, Transcript of Hearing, Appendix, pp. 86-87). As they abused him, the police stated that they were tired of him and that what the Cossacks had done was right. They said if he did not move out of the area, he would be hanged like his dog. The police also interrogated him about the membership and location of his church. (Record Entry No. 12, Transcript of Hearing, Appendix, p. 87). The police officers who beat him knew him from the numerous times he came in to file complaints. In addition, his house was within 200 meters of the police station. (Record Entry No. 12, Transcript of Hearing, Appendix, p. 88).

At the conclusion of Mr. Fisenko's testimony, the immigration court denied his application for asylum and withholding of removal. On appeal, the Board of Immigration Appeals affirmed the immigration judge's denial of relief. In its decision the Board stated as follows:

> PER CURIAM: We adopt and affirm the decision of the Immigration Judge denying relief to the respondent. See *Matter of Burbano, 20 I & N Dec. 872, 874 (BIA 1994)* (noting that adoption or affirmance of a decision of an Immigration Judge, in whole or in part, is "simply a statement that the Board's conclusions upon review of the record coincide with those the Immigration Judge articulated in his or her decision"). We agree that under the law of the Sixth Circuit, the federal judicial circuit in which this case arises, the failure to present evidence corroborating the respondent's conversion and membership in the Baptist church in Russia is sufficient to support the Immigration Judge's finding that respondent did not meet his burden of proof, even where the respondent's testimony is credible. *See Shkarabi v. Gonzales, 427 F. 3d 324, 331 (6th Cir. 2006); see also Dorosh v. Ashcroft, 398 F. 3d 379, 382 (6th Cir. 2004); Matter of S-M-J-, 21 I & N Dec. 722 (BIA 1997).* Accordingly, the appeal is dismissed.
> (Emphasis supplied).

Thus, the BIA specifically affirmed the immigration judge's order denying asylum to Mr. Fisenko and ordering him removed because Mr. Fisenko had

allegedly failed to provide corroboration that he was a practicing Baptist while in Russia.

REASONS FOR GRANTING THE PETITION

In *INS v. Ventura, 537 U.S. 12, 123 S. Ct. 353 (2002)*, this Court underscored the importance of preventing the federal courts from inappropriately intruding on the administrative system for processing of asylum claims the operation of which is assigned by statute to the Attorney General of the United States. In *Ventura, supra*, the Ninth Circuit had reversed the BIA's decision denying asylum on the grounds that there was no nexus between the alien's persecution and her political opinion. Rather than remanding the case to the BIA to consider any further issues, however, the Ninth Circuit addressed and resolved an alternative ground for denying asylum that had been addressed by the immigration judge, but not the BIA concerning, i.e., whether there were changed country conditions in Guatemala. See *Ventura, supra, 537 U.S at 13, 123 S. Ct. 354*. The Ninth Circuit justified its decision to decide the country conditions issue because, in its view, the only lawful course for the BIA was to reject the government's changed conditions argument. *Id. 537 U.S at 15, 123 S. Ct. 355.*

Citing to its landmark decision in *SEC. v. Chenery Corp., 318 U.S. 80, 88, 63 S. Ct. 454 (1943)* ("Chenery I"), this Court found that there was no reason for the Ninth Circuit to have to departed from the well-established rule that courts should refrain from attempting to substitute their judgment for that of administrative agencies concerning matters assigned by statute to the agencies. *Ventura, supra, 537 U.S at 16, 123 S. Ct. 355*. Indeed, the Court noted that the

rule was particularly applicable within the context of immigration matters where the Attorney General can bring to bear his expertise in evaluating evidentiary and policy issues that are involved in asylum cases. *Id. 537 U.S at 17, 123 S. Ct. 356.* This Court emphasized that the Ninth Circuit:

> [S]eriously disregarded the agency's legally mandated role. Instead, it independently created potentially far-reaching legal precedent about the significance of political change in Guatemala, a highly complex and sensitive matter. And it did so without giving the BIA the opportunity to address the matter in the first instance in light of its own expertise. *Id.*

This Court noted that much of the Ninth Circuit's opinion was an attempt to interpret and analyze potentially conflicting information contained in State Department Country Conditions reports concerning conditions in Guatemala. *Id. 537 U.S at 17-18, 123 S. Ct. 356.* As a result, the Supreme Court concluded, the Ninth Circuit should have followed the "normal" rule and remanded the matter to the BIA for determination of the alternative reason advanced by the immigration judge but not previously addressed by the BIA.

Unfortunately, the Ninth Circuit did not appear to have understood the level of the Court's concern about the judiciary prematurely addressing issues that have not been addressed by the BIA and in *Gonzales v. Thomas, 547 U.S. 183, 126 S. Ct. 1613 (2006),* this Court summarily reversed the Ninth Circuit again, this time for attempting to address the issue of the family as a social group rather than remanding the

issue to the BIA for its consideration in the first instance.

Ventura, supra, and *Thomas, supra*, are both based upon the fundamental rule of law that when conducting judicial review, federal courts should address the actual reasons advanced by the agency for its action rather than searching for other possible justifications for the agency action. *See, Galves-Vergara v. Gonzales, 484 F.3d 798, 803, fn. 6 (5th Cir. 2007); Chuhwu v. Attorney General, 484 F.3d 185, 193 (3rd Cir. 2007); Mouawad v. Gonzales, 485 F.3d 405, 413-14 (8th Cir. 2007); Singh v. Dept. of Justice, 461 F.3d 290, 294 fn, 3 (2nd Cir. 2006); Banks v. Gonzales, 453 F.3d 449, 451 (7th Cir. 2006); Altamirano v. Gonzales, 427 F.3d 586, 595 (9th Cir. 2005); Dong Sik Kwon v. INS, 646 F.2d 909, 916 (5th Cir. 1981).* Perhaps the Second Circuit best summarized the fundamental rule as follows:

> It is not the function of a reviewing court in an immigration case to scour the record to find reasons why a BIA decision should be affirmed. Rather, we take the Board's decision as we find it, and if the reasoning it advances for denying a petitioner's claim cannot support the result, we will vacate the decision.

Wu v. INS, 436 F.3d 157, 164 (2nd Cir. 2006). Unfortunately, the record demonstrates that in this case, the Sixth Circuit ignored all of this precedent and chose the same expansive role for the judiciary for which the Ninth Circuit was rebuked by this Court in both *Ventura, supra*, and *Thomas, supra.*

During the oral argument below, Mr. Fisenko contended that the Board and the immigration judge were blatantly wrong about Mr. Fisenko's failure to corroborate that he was a Baptist in Russia. Counsel for Mr. Fisenko pointed during oral argument to several of Mr. Fisenko's police reports, which were introduced into evidence by Fisenko at his removal hearing. Those police reports referred to him as either a Baptist or a "Sectant", (Russian slang for a Baptist). (Joint Appendix, Vol 2, p. 388-405).

As a result, during the Respondent's portion of the argument, the following exchange occurred between Judge Rodgers and the Department of Justice Attorney defending the BIA decision:

> APPELLATE JUDGE: Well, he does now argue that there is corroboration that he was a Baptist in Russia because there's police reports that refer to him as a Baptist.
>
> MS. GLAUNER: The police report that he's speaking of referred to his claim that -- his belief that the -- I think the example he gave was that the two boys who threw the stones at his car did so because he was a Baptist. So all of the police reports that he's referring to –
>
> APPELLATE JUDGE: Isn't that corroboration that he thought of himself as a Baptist when he was over there?
>
> MS. GLAUNER: I think that he –

APPELLATE JUDGE: Why would the police report say that if he didn't say, "They were throwing stones at me because I'm a Baptist"?

MS. GLAUNER: Correct. The police reports do indicate that he believed that what happened to him happened to him because he was a Baptist. I think –

APPELLATE JUDGE: Why isn't that corroboration of his claim that in Russia he was a Baptist?

MS. GLAUNER: I think that the agency was looking for something more specific regarding –

APPELLATE JUDGE: How specific do you need? If he's over there -- if there's evidence that when he was over there he was telling people, "I'm a Baptist" –

MS. GLAUNER: I think that the police report –

APPELLATE JUDGE: Do you need him spotted in church? I mean –

MS. GLAUNER: I think that the police report was based on the petitioner's testimony, which the Board and this Court have found that if the petitioner's testimony is credible, the agency can still require additional corroboration where it's reasonable to do so.

APPELLATE JUDGE: But the issue is whether he claims he's a Baptist when he's in Russia. That's the issue, right?

MS. GLAUNER: Correct.

APPELLATE JUDGE: The police report is saying he claims he's a Baptist. Why isn't that corroboration of the question over whether he claims he's a Baptist when he's in Russia? That's the issue. You can't say, well, it's self-serving because he's claiming it. The issue is whether he's claiming it.

MS. GLAUNER: Correct. I agree with you that the police reports do indicate that he believed that he was a Baptist in Russia. Correct.

(Transcript of Oral Argument, p. 21, Line 2, to p. 23, line 7). (Emphasis Supplied).

As a result, as both the Court acknowledged and Counsel for the United States admitted during the oral argument below, the BIA was in error. Mr. Fisenko did in fact corroborate at his removal hearing that he was a practicing Baptist in Russia. Therefore, the BIA's explicitly stated basis for affirming the immigration judge's denial of Fisenko's asylum claim was clearly wrong. As a result, consistent with this Court's admonition in both *Ventura, supra*, and *Thomas, supra*, the Sixth Circuit should have reversed the BIA and remanded to the Board for further proceedings.

But that is not what happened below. Instead, in a twenty two page decision, the Sixth Circuit addressed virtually every other issue in the case except the BIA's erroneous "failure to corroborate that he was a Baptist while in Russia" rationale that was the express basis for the BIA's adoption of the immigration judge's order

of removal. Indeed, the Sixth Circuit even went so far as to state that it did not need to review the BIA's actual grounds for its decision because the Sixth Circuit, acting as though it were the BIA, found other grounds to justify denial of Fisenko's decision. (*See, Fisenko v. Holder, supra at p. 15*). Indeed, on page 15 of its decision, the Court clearly stated that it sees itself acting as the BIA reviewing the decision of the immigration judge, rather than performing the work of a court of appeals reviewing the administrative decision of the BIA.

Thus, the Sixth Circuit in this case is acting in the exact same manner as the Ninth Circuit did in *Ventura, supra, and Thomas, supra*. For example, in this case, as in *Ventura, supra* at *537 U.S at 17-18, 123 S. Ct. 356*, the appeals court involved itself in the resolution of important but disputed political issues concerning the manner in which another country with whom we have important international relationships, allegedly treats certain of its citizens. *See, Fisenko, supra, at 18-20*. The only difference between the two cases is that in *Ventura, supra*, the court decided questions not addressed by the BIA in order to grant asylum to an alien, whereas in this case the Sixth Circuit resolved issues not addressed by the Board in order to deny relief to the alien. But regardless of which party wins, the fundamental issue established by this Court and respected by the vast majority of appellate decisions for many, many decades is that a court of appeals must confine its review to the reasons provided by the administrative agency for its decision rather than usurping the power of the executive branch to resolve disputed policy questions such as the manner in which Russia does or does not treat religious minorities.

Finally, there is nothing about the BIA's reference in its decision in this case to a prior decision of the Board, *Matter of Burbano, 20 I & N Dec. 872 (1994),* which changes the rule that it is unlawful for a reviewing court to venture beyond the reasons relied upon by the administrative agency for its decision. In *Burbano* itself, the BIA clearly stated that it may adopt the decision of an immigration judge, "in whole or in part when we are in agreement with the reasoning and result of the decision". *Id at 874.* Thus, several courts have recognized that the BIA's reference in its opinions to *Burbano, supra,* does not mean that the Board always adopts the entirety of the immigration judge's reasoning when the Board adopts the result of the IJ's decision. See, *Galicia v. Rodriguez, 422 F.3d 529, 534 (7th Cir. 2005),* where the court noted that the BIA itself indicated that its citation to *Burbano, supra*, and affirmance of the immigration judge decision did not "imply agreement with all aspects of the [IJ] decision". Also in *Parussimova v. Mukasey, 555 F.3d 734, 738 fn. 3 (9th Cir. 2008)*, the court held that where the Board affirms the immigration judge citing to *Burbano, supra,* but adopts only one part of the IJ's decision, the review of the Board's decision is limited to the grounds adopted by the BIA. See also, *Huang v. Mukasey, 520 F.3d 1006, 1008 (9th Cir. 2008); Krotova v. Gonzales, 416 F.3d 1080, 1084 (9th Cir. 2005).*

As previously noted, in this case, the BIA was explicit that it was affirming the immigration judge's decision because the law of the Sixth Circuit required corroboration, which Mr. Fisenko had allegedly failed to provide, that he was a practicing Baptist in Russia. Since the record is clear that the United States even conceded before the Sixth Circuit that there was in the

record corroboration of Mr. Fisenko's membership in the Baptist faith while in Russia, the BIA's decision based on the lack of such corroboration should have been reversed and remanded to the BIA for further proceedings.

Therefore, in order to maintain consistency among the circuits and assure that all circuit courts of appeals respect the limitations on judicial review imposed by this Court's decisions in *Ventura, supra*, and *Thomas, supra*, a writ of certiorari should issue to the Sixth Circuit vacating its decision below and directing it to reverse the BIA's decision in this case and remand it the matter to the Board for further proceedings consistent the determination that Mr. Fisenko did corroborate his Baptist affiliation while in Russia.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

E. DENNIS MUCHNICKI
(Ohio Supreme Court No. 0024734)
5650 Blazer Parkway
Dublin, Ohio 43017
(614) 761-9775
Counsel for Petitioner